

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
WESTERN DIVISION

ART TOBIAS,

Plaintiff,

v.

CITY OF LOS ANGELES; SGT.
SANCHEZ, #25399; DETECTIVE
MICHAEL ARTEAGA, #32722;
DETECTIVE JEFF CORTINA, #35632;
DETECTIVE J. MOTTO, #25429;
DETECTIVE JULIAN PERE, #27434;
OFFICER MARSHALL COOLEY, #38940;
OFFICER BORN, #38351; L.A. SCHOOL
POLICE OFFICER DANIEL EAST, #959;
and UNIDENTIFIED EMPLOYEES of the
CITY OF LOS ANGELES,

Defendants.

Case No. 17 C 1076

Judge Dale S. Fischer

JURY TRIAL DEMANDED

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ART TOBIAS,

Plaintiff,

v.

CITY OF LOS ANGELES, et al.

Defendants.

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)
)
) CASE NUMBER:
) 2:17-cv-1076-
) DSF-AS
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)
)

DEPOSITION OF DETECTIVE MOSES CASTILLO

Tuesday, June 5, 2018

Los Angeles, California

2:04 p.m. to 4:01 p.m.

REPORTED BY:
KIM FARBER
CSR NO. 13239

Transcript of Detective Moses Castillo

Conducted on June 5, 2018

34

1 required to allow them to make phone calls, and if one of
2 those phone calls is to a parent, so be it, but it's not
3 an automatic stop and cease any questioning unless the
4 juvenile -- if the officer asked a clarifying question as
5 to why he wanted to speak to his parents, if it was for
6 any issue of whether or not he was going to waive or
7 speak to -- wanting to speak to the officer, then at that
8 point it would be beneficial to allow them to speak to
9 the parent. But if it was just I want to let them know
10 I'm here, then there's no requirement for them to do so.

11 Q Okay. During the course of a custodial
12 interrogation involving a juvenile, when a juvenile asks
13 the detective for their parent, the detective is required
14 to ask them why, correct, so they can ascertain whether
15 it's something that may pertain to the waiver or
16 understanding of their Miranda rights or not; correct?

17 MR. GILBERT: Overbroad. Vague. Vague as to
18 time.

19 BY MR. OWENS:

20 Q Vague as to time. Hold on. So you understand
21 that all of the questions that I'm asking you about
22 pertain to the policies and practices that prevailed in
23 2012 and 2013; correct?

24 A Yes.

25 Q And you understand that I'm not asking you

Transcript of Detective Moses Castillo

Conducted on June 5, 2018

35

1 about the policies and practices of the department
2 currently; right?

3 A Yes.

4 Q Okay.

5 MR. OWENS: Do you mind reading back the
6 question I asked before that.

7 (The record was read by the reporter.)

8 BY MR. OWENS:

9 Q Can you answer that question?

10 A Yes. So it is required that we ascertain as to
11 the intent of why they want to speak to their parents.

12 Q Right. Questioning has to cease until you
13 ascertain why the juvenile asked to speak with their
14 parent; correct?

15 A Once -- yeah, once he asked that question, the
16 officer should ask the clarifying question as to the why.
17 He's not really ceasing, and if the answer says -- it has
18 nothing to do with the waiver, then we could continue.
19 If it's a matter of I just want to let them know I'm
20 here, then we continue. So to that extent, that's my
21 response.

22 Q But the questioning shall cease until the
23 reason for the juvenile's request is ascertained;
24 correct?

25 A Yes.

Transcript of Detective Moses Castillo

Conducted on June 5, 2018

36

1 Q That's the policy?

2 A Yes.

3 Q And you agree with me that in 2012 LAPD
4 officers were required to follow the manual of juvenile
5 procedures; correct?

6 A Well, you're showing me a document that I'm
7 assuming that's --

8 Q Is there a manual of juvenile procedures for
9 the Los Angeles Police Department?

10 A Yes, yes, there is.

11 Q Did you review it for your deposition today?

12 A I read portions of it, but not the entirety,
13 but yes.

14 MS. COLEMAN: I think he was asking about the
15 date of the document.

16 THE WITNESS: I'm just putting it for the
17 record that he's showing me -- yeah.

18 BY MR. OWENS:

19 Q Sure. I am holding two copies of it, one of
20 which I'll show to you in a moment, and one of which I've
21 got for myself right now. Okay?

22 A Yes.

23 Q Right?

24 A Perfect.

25 Q All right. Regardless of -- there is a manual

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Conducted on June 5, 2018

37

1 of juvenile procedures; correct?

2 A Yes.

3 Q Los Angeles Police Department detectives were
4 required to follow the manual of juvenile procedures;
5 correct?

6 A Yes.

7 Q They're supposed to understand what this
8 document says; correct?

9 A Yes.

10 Q And they're expected to implement this manual
11 in the course of their interrogations; correct?

12 A Yes.

13 Q And this manual does require that questioning
14 cease until the reason for the juvenile's request for a
15 parent, probation officer, teacher, minister is
16 ascertained; correct?

17 MS. COLEMAN: Asked and answered.

18 THE WITNESS: Yes. That's what I -- the word
19 "cease" is where I'm getting at because we are pausing to
20 get that answer, and if it's answered in a way where we
21 could continue, then we continue.

22 So there was a temporary pause, if you would.
23 It wasn't ceased is what I'm trying to get at,
24 especially, like, let's say right now we paused, but we
25 didn't cease questioning; right? I mean --